



# ORDINARY MEETING

## AGENDA

**10 SEPTEMBER 2024**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 September 2024 commencing at 9:00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

**CHIEF EXECUTIVE OFFICER**  
6 September 2024

Next Meeting Date: 24.09.24

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer

## **2 PRESENT**

Members Present:

Deputy Mayor, Councillor M D Wickerson (Chairperson)  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford  
Councillor M A Taylor  
Councillor G D Mathers  
Councillor E B Hilse

In Attendance:

Mr E Pardon – Chief Executive Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Mayor Tony Williams - Apology

## **4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 27 August 2024

## **5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

**File No:** 10097  
**Attachments:** 1. [September 2024](#)  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*The Business Outstanding Table is used as a tool to monitor outstanding items resolved at previous Council or Committee meetings. The current Business Outstanding Table for Ordinary Council is presented for Councillors' information.*

#### OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for Ordinary Council be received.

# **BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL**

## **September 2024**

**Meeting Date: 10 September 2024**

**Attachment No: 1**

## BUSINESS OUTSTANDING – ORDINARY COUNCIL – SEPTEMBER 2024

| Meeting Date | Subject  | Resolution   | Officer          | Target Date | Notes   |
|--------------|--|--|------------------|-------------|---|
| 14/07/2020   | First Turkey Mountain Bike Reserve - Blue Dawg Concept Plan                              | <ol style="list-style-type: none"> <li>1. THAT Council notes the early-stage status of the Blue Dawg trail proposal and officers continue dialogue with the Rockhampton Mountain Bike Club in relation to the proposal.</li> <li>2. THAT Council invites the Rockhampton Mountain Bike Club to a Workshop with Council.</li> </ol> | Clark, Wade      | 01/12/2022  | No further update at this stage   |
| 14/09/2021   | Notice of Motion - Councillor Shane Latcham - Rockhampton Regional Council Floral Emblem | THAT Council undertake a Community Engagement Program when appropriate on civic symbols including a Floral Emblem, representative of the Rockhampton Region Local Government area.   | Brodel, Emma     | 30/06/2025  | Target date changed from 28 March 2023 to 30 June 2025 - Undertaking this engagement requires both an appetite for change internally and a community that is engaged with Council at a Civic level. Given the Engagement Framework is yet to be adopted, this engagement is suggested to be moved into the 2024-25 FY Calendar of Engagements. This will give time to embed the engagement framework into Council's operations so that this legacy engagement can be completed properly, as symbols which represent the Region will stay for decades to come after. |
| 28/06/2022   | CMP Updates - Heritage Management Strategy   | THAT Council resolves that the matter lay on the table until further consultation with the community.  | Dwyer, Emma-Jane | 12/07/2022  | Briefing session to be scheduled regarding local heritage sites in Mt Morgan  |
| 13/12/2022   | Draft Community Engagement Framework   | <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Adopts the draft Community Engagement Framework as detailed in the report; and</li> <li>2. Approves officers to revise policy and procedure for further consideration by Council.</li> </ol>  | Brodel, Emma     | 30/06/2023  | Development of toolkits will be ongoing process   |



## BUSINESS OUTSTANDING – ORDINARY COUNCIL – SEPTEMBER 2024

|            |  |  |                 |            |   |
|------------|--|--|-----------------|------------|---|
| 24/01/2023 | Renewal of Lease - Telecommunications Tower, 10 Pilbeam Drive, Mt Archer                             | <p>THAT:</p> <ol style="list-style-type: none"> <li>Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the renewal of the Lease to BAI Communications Pty Ltd A.C.N 086 048 562 for the premises located at part of 10 Pilbeam Drive, Mt Archer (Lot 10 on RP617127); and</li> <li>Council authorises the Chief Executive Officer (Coordinator Property &amp; Insurance) to negotiate the terms and conditions of the lease in preparation for execution by the delegated Officer.</li> </ol>   | Roberts, Kellie | 30/09/2024 | Target date changed from 30 June 2024 to 30 September 2024 - Waiting on response from tenant  |
| 11/07/2023 | Road Signage Maintenance   | THAT a report on road signage maintenance delays be presented to the next Infrastructure Committee meeting.  | Gwydir, John    | 25/07/2023 | Reports are works in progress.  |
| 14/11/2023 | Grant Applications   | THAT Council endorse the listed grant applications.  | Russell, Angus  | 28/11/2023 | The application for Regional Precincts and Partnerships Program (RPPP) funding of Parkhurst Enabling Infrastructure was unsuccessful. A similar application has now been made under the Federal Housing Support Program - Stream 2 and is the subject of a separate Council Report. |
| 11/12/2023 | Proposed NRMA Electric Vehicle Fast Charging Station on Council Land - 180-186 Alma Street (carpark) | <p>THAT Council authorises:</p> <ol style="list-style-type: none"> <li>The Chief Executive Officer (Coordinator Property and Insurance) to issue a Licence Agreement to NRMA Electric Highways Pty Ltd over part of 180-186 Alma Street, Rockhampton City, for the construction and operation of an Electric Vehicle Fast Charging Station, for a period of 5 years for a set annual fee of \$2,000 (ex GST); and</li> <li>The Coordinator Property and Insurance to negotiate the terms and conditions of the Licence Agreement in preparation for execution by the delegated Officer.</li> </ol> | Roberts, Kellie | 30/09/2024 | Target date changed from 30 June 2024 to 30 September 2024 - NRMA is waiting on Ergon to finalise electricity connection plans.   |

## BUSINESS OUTSTANDING – ORDINARY COUNCIL – SEPTEMBER 2024

|            |   |   |                     |            |   |
|------------|---|---|---------------------|------------|---|
| 14/11/2023 | Petitions - (1)<br>Individual Metered<br>Access to Fitzroy<br>River Water<br>Network and (2) -<br>Reduction of Speed<br>Limit on<br>McLaughlin Street | THAT the petition regarding (1) Individual Metered Access to Fitzroy River Water Network and the petition regarding (2) Reduction of Speed Limit on McLaughlin Street be received and information on both matters be presented to councillors.  | Toon, Dan           | 28/11/2023 | Preparation of a report for the water network access component is in progress.                                      |
| 05/03/2024 | Zoo Shade<br>Structure Options  | THAT Council resolves to re-design a lesser-cost shade solution which will include a briefing session to arrive at an agreed scope of works.  | Pont, Aaron         | 19/03/2024 | Referred to Communities Project Reference Group Meeting, awaiting outcome.  |
| 23/04/2024 | Walter Reid<br>Cultural Centre<br>Lease Renewals  | THAT Council continue the month-by-month leasing arrangements for three (3) to six (6) months, with tenants to provide membership and usage data for Council to consider renewal arrangements following this period.  | Millett, Mark       | 31/08/2024 | Target date changed from 07 May 2024 to 31 August 2024 - To allow time to prepare the follow up report for council. |
| 14/05/2024 | Johnson Road Tree<br>Planting   | THAT Council endorses the proposed tree planting in the Johnson Road, Gracemere centre median.  | Sloss,<br>Cassandra | 28/05/2024 |   |
| 14/05/2024 | Property Matter   | THAT Option 1 be endorsed by Council and the Chief Executive Officer (Coordinator Property and Insurance) be authorised to progress the matter.   | Russell,<br>Angus   | 28/05/2024 | Tender for the sale of the property opened on 2 August 2024   |
| 28/05/2024 | Petition -<br>Enhancement of<br>Facilities at Duthie<br>Park  | THAT the petition requesting enhancement of the facilities at Duthie Park be received and referred to General Manager Community Services for investigation and response.  | Cutler, Alicia      | 11/06/2024 |   |
| 28/05/2024 | Disposal of Council<br>owned land to<br>convert to road<br>reserve - 344, 347<br>and 349 East Lane,<br>Depot Hill                                     | THAT pursuant to section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> , Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to dispose of 4(four) parcels of land known as 344, 347 and 349 East Lane, Depot Hill described as Lot 5 on RP601207, Lot 5 on RP600803, Lot 11 on RP600379, Lot 20 on RP600379 to be dedicated as road. | George,<br>Michelle | 11/06/2024 |   |

| BUSINESS OUTSTANDING – ORDINARY COUNCIL – SEPTEMBER 2024 |  |   |                   |            |  |
|--|--|---|-------------------|------------|--|
| 23/07/2024   | Telecommunications Policy Review   | THAT Council review the Telecommunication Facilities on Council Land Policy.  | Roberts, Kellie   | 20/12/2024 | Target date changed by Roberts, Kellie from 30 September 2024 to 20 December 2024 - Allowance of time to develop policy review |
| 23/07/2024   | Browne Park Redevelopment - Murray Street Tree Removal                     | <p>THAT:</p> <ol style="list-style-type: none"> <li>1. Council approves the Department of Tourism and Sport proposal to remove eight (8) Peltophorum trees, contingent on a funded program to upgrade the planting sites consistent with Council's Tree Management Policy Standards by the end of Browne Park Redevelopment Project, stage one. The trees and sites are adjacent to Browne Park, 75-103 Murray Street, Rockhampton (as identified in Attachment 2 of the report).</li> <li>2. Council receives notice of the Parks re-planting strategy, renewing all eight (8) trees at the conclusion of the Browne Park Redevelopment Project, stage one.</li> </ol>   | Bulwinkel, Justin | 06/08/2024 |  |
| 13/08/2024   | Victoria Park Tennis Centre - Lease/Operating Renewal & Capital Commitment | <p>THAT:</p> <ol style="list-style-type: none"> <li>1. Council endorses the changes within the Rockhampton Regional Tennis Centre (RRTC) future operating model to establish a more enticing and viable commercial environment for prospective non-profit organisation or commercial operator, as outlined in the report.</li> <li>2. Council approves a preliminary project scope to resurface end-of-life courts at RRTC enabling Council Officers to proceed with detailed design, utilising the existing capital budget allocated in future years, commencing from 2025/2026.</li> <li>3. Council authorises the Sports &amp; Active Communities Coordinator to invite tenders for the lease and operation agreement of RRTC.</li> <li>4. Council write to Tennis Rockhampton Limited acknowledging the outstanding commitment and dedication they have given to not only the tennis community but our community for many years.</li> </ol> | Bulwinkel, Justin | 27/08/2024 |  |

| BUSINESS OUTSTANDING – ORDINARY COUNCIL – SEPTEMBER 2024 |  |   |                 |            |   |
|--|--|---|-----------------|------------|---|
| 13/08/2024   | Adopted Charge for Water Purchased via Standpipe for the 2024-25 Financial Year                          | THAT Council request a report on options for a Rebate Policy.   | Toon, Dan       | 27/08/2024 |   |
| 13/08/2024   | Disposal of Council owned Land (Access Restriction Strip) to Road Reserve - 64 Cowie Street, Kawana      | <p>THAT</p> <ol style="list-style-type: none"> <li>Pursuant to section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i>, Council authorises the Chief Executive Officer (Coordinator Property &amp; Insurance) to dispose of 64 Cowie Street, Kawana described as Lot 101 on RP900393 (10m2 in size) to be dedicated as road reserve; and</li> <li>Council authorises the Chief Executive Officer (Coordinator Property &amp; Insurance) to negotiate the terms of a Deed of Agreement with CQCR Pty Ltd A.C.N 636 812 041, as outlined in the report, in preparation for execution by the delegated Officer.</li> </ol> | Mills, Michelle | 31/10/2024 | Target date changed from 27 August 2024 to 31 October 2024 - To allow time for the agreement and dedication |
| 13/08/2024   | Notice of Motion - Mayor Tony Williams - In-kind support for Scootaville                                 | THAT Council approves in-kind financial support to Scootaville through the waiving of venue hire and associated charges at the Rockhampton Showgrounds.   | Semfel, Nicole  | 27/08/2024 |   |
| 13/08/2024   | Commercial Opportunity   | THAT Council proceed as recommended in the report.  | Cheesman, Ross  | 27/08/2024 |   |
| 27/08/2024   | Councillor Discretionary Fund Application - Mount Morgan Promotion and Development - Wattle Day Festival | THAT Council approve the allocation of \$371 from Mayor Tony Williams, \$500 from Councillor Drew Wickerson and \$500 from Councillor Cherie Rutherford's Councillor Discretionary Funds to Mount Morgan Promotion and Development to support the Wattle Day Festival for their creative arts workshops.  | Semfel, Nicole  | 10/09/2024 |   |

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

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## 11 OFFICERS' REPORTS

### 11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (353 SITES)

**File No:** D187-2023

**Attachments:**

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Staging Plan](#)

**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Alicia Cutler - General Manager Community Services

**Author:** Kathy McDonald - Principal Planning Officer

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#### SUMMARY

*Development Application Number:* D/187-2023

*Applicant:* LG Resorts No 3 Pty Ltd A.C.N. 662 327 540

*Real Property Address:* Lots 7 to 10 on RP603508

*Common Property Address:* 930-960 Norman Road and 19 McMillan Avenue, Parkhurst

*Area of Site:* 18.177 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (v4.4)

*Planning Scheme Zone:* Low Density Residential Zone

*Planning Scheme Overlays:* Airport Environs Overlay;  
Biodiversity Areas Overlay; and  
Flood Hazard Overlay.

*Existing Development:* Lot 7 – Single Dwelling House  
Lots 8 and 9 – Vacant Land  
Lot 10 – Golf Driving Range and Dwelling House

*Approval Sought:* Development Permit for a Material Change of Use for a Retirement Facility (353 Sites)

*Category of Assessment:* Assessable subject to Impact assessment

*Submissions:* Two (2) properly made; and  
One (1) not properly made

*Referral Agency:* Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

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**OFFICER'S RECOMMENDATION**

THAT in relation to the application for a Development Permit for Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

|   |  |
|---|--|
| <b>Description of the development</b>   |  |
| Material Change of Use for a Retirement Facility (353 Sites)  |  |
| <b>Reasons for Decision</b>   |  |
| <p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p> |  |
| <b>Assessment Benchmarks</b>  |  |
| <p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Local Government Infrastructure Plan;</li> <li>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code;</li> <li>• Filling and Excavation Code;</li> <li>• Biodiversity Areas Overlay Code; and</li> <li>• Flood Hazard Overlay Code.</li> </ul>                                  |  |
| <b>Compliance with assessment benchmarks</b>  |  |
| The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.   |  |
| <b>Assessment Benchmark</b>   | <b>Reasons for the approval despite non-compliance with benchmark</b>  |
| <b>Strategic Framework</b>  | <p><b>3.3 Settlement Pattern</b></p> <p><b>3.3.9 Element – Future Urban</b></p> <p><b>3.3.9.1 Specific Outcome (2)</b></p> <p>The proposed development partly conflicts with Specific Outcome (2) of the Future Urban Settlement Pattern under the Strategic Framework because urban development is not expected to occur within future urban areas before 2031.</p> |

|  |  |
|--|--|
|  | <p>The subject site is only partly located within the Future Urban designation of the Strategic Framework. Majority of the development's footprint is located in the Urban Infill and Intensification designation which the development has no conflict with.</p> <p>Rockhampton's growth is currently focused on the northern suburbs, in particular the area of Parkhurst. This being considered, despite the conflict with the Future Urban designation the development is consistent with the pattern of growth as outlined in strategic framework maps (SFM-1 to SFM-4); and</p> <p>Complies with specific outcome (15) of the Urban and New Urban settlement pattern which states that: Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east.</p> <p>Therefore, on balance the proposal complies with the Settlement Pattern theme of the Strategic Framework.</p>  |
| <p><b>Local Government Infrastructure Plan</b></p>   | <p><b>Table SC3.4.2 Schedule of works – Sewerage network</b></p> <p>An alternative delivery method for sewerage infrastructure for connection to the development site will be via a 150-millimetre diameter non-trunk sewerage gravity main which will be constructed from the 300-millimetre diameter sewerage gravity main along Rachel Drive and Norman Road and terminate at the south-western corner of the development site.</p>   |
| <p><b>Low Density Residential Zone Code</b></p>  | <p><b>Performance Outcome (PO) 18</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 18.1 because the Retirement Facility is not located within close proximity (200 metres) to a park, centre zone or major community facility.</p> <p>Despite this, the subject site is considered highly accessible and provides convenience for the following reasons:</p> <p>The development is located approximately 650 metres (walking distance) from Parkhurst Shopping Centre (District Centre Zone);</p> <p>Is located approximately 450 metres (walking distance) from the Rockhampton Heritage Village; and</p> <p>Approximately 400 metres North to an accessible bus stop along Jones Street and 500 metres West to another bus stop along Yaamba Road.</p> <p>To the extent any conflicts are identified the proposed development is considered to comply with the following higher order provisions of the Planning Scheme:</p> <p>6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting.</p> <p>3.3.10.1 (5)(a) and (b) (Strategic Framework, Settlement Pattern, Element – Urban Infill and Intensification) – The proposed development provides for a choice of housing types and contributes to “affordable living” by including smaller and inexpensive options close to centres.</p> <p>Therefore, the development is taken to comply with PO18.</p> |
| <p><b>Relevant Matters</b></p>   |  |
| <p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p> |  |



| <b>Matters raised in submissions</b>   |  |
|--|--|
| The proposal was the subject of public notification between 26 April 2024 and 22 May 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) properly made submissions and one (1) not properly made submission was received. |  |
| Construction concerns for residents adjoining the development site in regard to dust and noise.  | <p>The submitters raised concerns with the length of construction time it may take to develop the site regarding dust and noise to the surrounding properties.</p> <p>Operational Works conditions of approval and requirements in the Environmental Protection Act 1994 ensures that all environmental measures can be enforced during construction to protect the amenity of adjoining premises or the surrounding area from emission of light, noise, odour or dust.</p>  |
| Location of Fire Hydrants.   | <p>The submitter asked if consideration could be given to relocate a fire hydrant from the development site into their adjoining property so that it could service their site and others in the event of a fire.</p> <p>There are three (3) fire hydrants connected to Council water infrastructure and located within the development site. Being a private lot, this infrastructure is encumbered by an easement in favour of Council. It is not feasible to relocate this infrastructure, and it can be utilised by Queensland Fire and Emergency Services in the event of a fire for all residences in the immediate area.</p>   |
| Norman Road and McMillian Avenue condition in regard to safety and lighting.   | <p>The submitters raised concerns with the lack of lighting and pedestrian infrastructure along Norman Road and McMillian Avenue, in particular along Norman Road at the corner of Mason Avenue.</p> <p>Norman Road is classified as a Major Urban Collector Road and will be required to be upgraded to this standard, ultimately. The works required by this development include widening along the full frontage side of the development site (from Mason Avenue to McMillian Avenue) to an eight (8) metre wide road. Kerb and channel, 1.5 metres wide pedestrian pathway, public lighting, and drainage infrastructure will be included and have been conditioned.</p> <p>McMillian Avenue is classified as a Major Rural Collector. There is no requirement to provide a pedestrian pathway or public lighting.</p> |
| Norman Road and McMillian Avenue concerns with the current speed limits.   | <p>The submitters raised concerns with the current speed limit of Norman Road and McMillian Avenue.</p> <p>The speed limit of a road is set by The Department of Transport and Main Roads and Local Government (Council) as per The Queensland Road Safety Technical User Volumes (QRSTUV): Guide to Speed Management which contains the methods and procedures in relation to setting speed limits, installed on the transport network.</p> <p>Council may monitor and undertake a speed limit review of Norman Road and McMillian Avenue once infrastructure has been installed, upgraded and the use commenced.</p>   |
| Clearing occurring prior to completion of the public notification stage.   | <p>The submitters raised concerns that the clearing of vegetation on the subject site has been undertaken prior to a land use approval.</p> <p>The subject site is not mapped as containing regulated vegetation. Any clearing of vegetation would be considered exempt clearing work with no requirement for a permit.</p>  |

**Matters prescribed by regulation**

- The Rockhampton Region Planning Scheme 2015 (version 4.4);
- Central Queensland Regional Plan 2013; and
- The common material, being the material submitted with the application.

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction.
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Stormwater Works;
    - (v) Roof and Allotment Drainage;
    - (vi) Site Works; and
    - (vii) Landscaping Works;
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards, unless otherwise stated.

- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 7 on RP603508, Lot 8 on RP603508 and Lot 9 on RP603508 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 Lot 10 on RP603508 must be amalgamated with Lots 7, 8 and 9 and registered as one lot prior to the commencement of Stage three (3) or Stage four (4), whichever occurs first.
- 1.11 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except were amended by any condition of this development approval:

| <u>Plan/Document Name</u>         | <u>Prepared by</u>          | <u>Date</u>          | <u>Reference No.</u> | <u>Version/ Issue</u> |
|-----------------------------------|-----------------------------|----------------------|----------------------|-----------------------|
| Master Plan                       | Jared Poole<br>Desgin       | 11 April 2024        | BP1426/03.01         | E                     |
| Staging Plan                      | Jared Poole<br>Desgin       | 12 April 2024        | BP1426/03.02         | B                     |
| Footpath and Walking Network Plan | Jared Poole<br>Desgin       | 11 April 2024        | BP1426/03.03         | C                     |
| Clubhouse – Ground Floor Plan     | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/04.01         | A                     |
| Clubhouse - Elevations            | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/04.02         | A                     |
| Clubhouse - Elevations            | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/04.03         | A                     |
| Dwelling Type A                   | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/05.01         | A                     |
| Dwelling Type B                   | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/05.02         | A                     |
| Dwelling Type C                   | Jared Poole<br>Desgin       | 06 September<br>2023 | BP1426/05.03         | A                     |
| Statement of Landscape Intent     | Zone Landscape Architecture | 15 December 2023     | L23171               | A                     |
| Flood Report                      | Westera                     | 09 July 2024         | S23-055              | C                     |

|  |                  |               |              |   |
|--|------------------|---------------|--------------|---|
|  | Partners         |               |              |   |
| Stormwater Management Report               | Westera Partners | 01 March 2024 | S23-055      | B |
| Engineering Services Report                | Westera Partners | 01 March 2024 | S23-055      | B |
| Preliminary Cover Sheet                    | Westera Partners | 01 March 2024 | S23-055-PG01 | A |
| Preliminary Civil Notes & Legend           | Westera Partners | 01 March 2024 | S23-055-PC01 | A |
| Preliminary Civil Works Site Plan          | Westera Partners | 09 July 2024  | S23-055-PC02 | B |
| Preliminary Catchments Plan                | Westera Partners | 09 July 2024  | S23-055-PC03 | B |
| Preliminary Civil Works Plan 1 Of 4        | Westera Partners | 09 July 2024  | S23-055-PC04 | B |
| Preliminary Civil Works Plan 2 Of 4        | Westera Partners | 09 July 2024  | S23-055-PC05 | B |
| Preliminary Civil Works Plan 3 Of 4        | Westera Partners | 09 July 2024  | S23-055-PC06 | B |
| Preliminary Civil Works Plan 4 Of 4        | Westera Partners | 09 July 2024  | S23-055-PC07 | B |
| Preliminary Channel Sections               | Westera Partners | 09 July 2024  | S23-055-PC08 | B |
| Preliminary Stormwater Tank Details 1 Of 3 | Westera Partners | 09 July 2024  | S23-055-PC09 | A |
| Preliminary Stormwater Tank Details 2 Of 3 | Westera Partners | 09 July 2024  | S23-055-PC10 | A |
| Preliminary Stormwater Tank Details 3 Of 3 | Westera Partners | 09 July 2024  | S23-055-PC11 | A |
| Preliminary Earthworks Site Plan           | Westera Partners | 09 July 2024  | S23-055-PE01 | B |

|  |                  |               |                |   |
|--|------------------|---------------|----------------|---|
| Preliminary Earthworks Plan 1 Of 4                               | Westera Partners | 09 July 2024  | S23-055-PE02   | B |
| Preliminary Earthworks Plan 2 Of 4                               | Westera Partners | 09 July 2024  | S23-055-PE03   | B |
| Preliminary Earthworks Plan 3 Of 4                               | Westera Partners | 09 July 2024  | S23-055-PE04   | B |
| Preliminary Earthworks Plan 4 Of 4                               | Westera Partners | 09 July 2024  | S23-055-PE05   | B |
| Preliminary Earthworks Section 1 Of 2                            | Westera Partners | 01 March 2024 | S23-055-PE06   | A |
| Preliminary Earthworks Section 2 Of 2                            | Westera Partners | 01 March 2024 | S23-055-PE07   | A |
| Preliminary Erosion & Sediment Control Plan Pre-Bulk Earthworks  | Westera Partners | 01 March 2024 | S23-055-PESC01 | A |
| Preliminary Erosion & Sediment Control Plan Post Bulk Earthworks | Westera Partners | 01 March 2024 | S23-055-PESC02 | A |
| Preliminary Erosion & Sediment Control Details 1 Of 2            | Westera Partners | 01 March 2024 | S23-055-PESC03 | A |
| Preliminary Erosion & Sediment Control Details 2 Of 2            | Westera Partners | 01 March 2024 | S23-055-PESC04 | A |
| Preliminary Erosion & Sediment Control Notes                     | Westera Partners | 01 March 2024 | S23-055-PESC05 | A |
| General Layout   | Westera Partners | 09 July 2024  | S23-055-FL01   | B |

|                             |                  |              |              |   |
|-----------------------------|------------------|--------------|--------------|---|
| Detail Road Layout          | Westera Partners | 09 July 2024 | S23-055-FL02 | B |
| Detail Road Layout          | Westera Partners | 09 July 2024 | S23-055-FL03 | B |
| Typical Road Cross Sections | Westera Partners | 09 July 2024 | S23-055-FL04 | B |

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

### 3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in stages, namely:

3.1.1 Sites 1 to 57, Sites 184 to 187, and Sites 326 to 353 (Stage One).

3.1.2 Sites 114 to 183, Sites 188 to 202 (Stage Two); and

3.1.3 Sites 58 to 113, Sites 276 to 288, and Sites 309 to 325 (Stage Three) and,

3.1.4 Sites 203 to 275 and Sites 289 to 308 (Stage Four).

in accordance with the approved plan (refer to condition 2.1).

3.2 Stage One (sites only) must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

3.3 The currency period for Stage One is six (6) years from the date this approval takes effect.

3.4 The currency period for Stages Two, Three and Four is fifteen (15) years from the date this approval takes effect.

3.5 The secondary clubhouse facilities (summer house) must be provided when the 30<sup>th</sup> dwelling house site is delivered.

3.6 The primary clubhouse facilities must be provided when the 150<sup>th</sup> dwelling house site is delivered.

3.7 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

### 4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant Australian Standards and Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).

4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) at the time of making the application.

4.4 Norman Road must be designed and constructed to Major Urban Collector standard, with half road construction along the full frontage of the development site extending two (2) metres beyond the centreline of the road and have a minimum width of eight (8.0) metres. Where kerb and channel exists on the western side of Norman Road north of McMillian Avenue, the ultimate width of Norman Road at Major Urban Collection standard is to be realised. Kerb and channel, pedestrian pathways, lighting, and drainage infrastructure must be included. This trunk infrastructure has been identified as T-10 in the *Local Government Infrastructure Plan* and is conditioned under

section 128 of the *Planning Act 2016*.

- 4.5 Land is to be dedicated to Council for additional road reserve to appropriately accommodate a Major Urban Collector Road hierarchy with adequate verge.
- 4.6 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the development side of Norman Road for the full frontage of the development site.
- 4.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.8 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.9 All pathways must incorporate kerb ramps at all road crossing points.
- 4.10 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.11 Dedicated pedestrian linkages must be provided in accordance with the 'Footpath and Walking Network' approved plan (refer to condition 2.1).

#### 5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All access, parking and vehicle manoeuvring areas must be concrete paved in accordance with the approved site plan (refer to condition 2.1).
- 5.4 A minimum of one hundred and eighty (180) parking spaces must be provided on-site. This includes one hundred and twenty-eight (128) visitor car parking spaces and fifty-two (52) recreational vehicle parking spaces.
- 5.5 Each Dwelling must be provided with two (2) car parking spaces, which may be provided in tandem, with at least one (1) space being covered.
- 5.6 A new access to the development must be provided at Norman Road and McMillian Avenue.
- 5.7 Service and delivery vehicles, including refuse collection vehicles must be via Norman Road only.
- 5.8 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 5.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

- 5.12 Any application for a development permit for operational works (access and parking works) must be accompanied by detailed and scaled plan, which demonstrate the turning movement/swept paths of the largest vehicle to access the development site including refuse collection.
- 5.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory, or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-streetcar parking"*.
- 5.14 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.15 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.16 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

## 6.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network via a "Special Sewerage Arrangement".
- 6.4 A 150-millimetre diameter non-trunk sewerage gravity main must be constructed from a new access chamber to be provided in the south western corner of the development site, connecting to the existing 300-millimetre diameter sewerage gravity main located at the Rachel Drive and Percy Street intersection. An access chamber must be provided at the connection of the existing 300-millimetre diameter sewerage main and at the termination point. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 6.5 A new sewerage connection point must be provided to the proposed development from the sewerage infrastructure to be constructed in accordance with condition 6.4.  

Note: The sewerage connection point to be provided for the development cannot command the development via gravity. A private pump station and raising main will be required to service the development and must comply with *Australian Standard AS3500.2 "Sanitary Plumbing and Drainage"*. A private pump station and raising main is to be approved as a part of Plumbing and Drainage Works.
- 6.6 Any proposed sewerage access chamber located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability flood level, must be provided with bolt down lids.
- 6.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 6.8 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

## 7.0 WATER WORKS

- 7.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and *Plumbing and Drainage Act 2018*.
- 7.2 The development must be connected to Council's reticulated water network.



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- 7.3 The existing water connection point must be capped off. A new water connection point must be provided from the 200-millimetre diameter water main located within the eastern side of Norman Road. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 7.4 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 7.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 7.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 8.0 PLUMBING AND DRAINAGE WORKS
- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 8.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 9.0 STORMWATER WORKS
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992*, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwaters must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering, or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 9.4 A Drainage Easement must be provided over all land assessed to be within a post-development one (1%) Annual Exceedance Probability defined flood / storm event, inundation area.
- 9.5 A Stormwater channel must be provided along the western and northern boundaries to contain the overland flow that traverses the development site. This trunk infrastructure has been identified as D-4 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.
- Note: Channel freeboard must be provided in accordance with *Queensland Urban Drainage Manual* requirements and demonstrated at Operational Works (Stormwater Works) stage.
- 9.6 All internal field inlets / pits must be fitted with gross pollutant traps in accordance with approved plans (refer to condition 2.1).
- 9.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
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- 9.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 9.9 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.
- 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 10.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 10.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair, or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 11.0 SITE WORKS
- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 11.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair, or change the natural flow of runoff water, or cause an actionable nuisance or worsening to surrounding land or infrastructure.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidance on earthworks for commercial and residential development"*.
- 11.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.4.1 the location of cut and/or fill.
  - 11.4.2 the type of fill to be used and the way it is to be compacted.
  - 11.4.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
  - 11.4.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 11.4.5 the maintenance of access roads to and from the development site so that they are free of all cuts and/or fill material and cleaned as necessary.
- 11.5 All retaining structures above one (1) meter height requires separate building approval and certification by a Registered Professional Engineer of Queensland.
- 12.0 BUILDING WORKS
- 12.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 12.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.

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- 12.3 All building works for must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 12.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 12.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 12.4.2 surrounded by at least a 1.8-metre-high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 12.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 12.4.4 setback a minimum of two (2) metres from any road frontage; and
  - 12.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 12.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 12.6 Boundary fencing must be erected along the common boundary of the subject development site prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 12.7 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 13.0 EXTERNAL LANDSCAPING WORKS
- 13.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 13.2 Street trees must be provided along Norman Road in accordance with the approved plans (refer to condition 2.1) and the requirements of Planning Scheme Policy SC6.12 - *Landscape Design and Street Trees Planning Scheme Policy*.
- 13.3 The street trees required by condition 13.2 must be one or a combination of the following species:
- 13.3.1 *Buckinghamia celcissma* – Ivory Curl
  - 13.3.2 *Corymbia ptychocarpa* –Swamp Bloodwood
  - 13.3.3 *Cupaniopsis anacardioides* – Tuckeroo
  - 13.3.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
  - 13.3.5 *Harpullia pendula* – Tulip wood
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- 13.3.6 Melicope elleryana- Pink Flowering Euodia
- 13.3.7 Syzygium leuhmanii- Small Leafed Lilly Pilly
- 13.3.8 Waterhousia floribunda – Weeping Lilly Pilly
- 13.3.9 Xanthostemon chrysanthus – Golden Penda
- 13.4 The street trees must:
  - 13.4.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
  - 13.4.2 Be at least three (3) metres from a driveway;
  - 13.4.3 Be at least five (5) metres apart; and
  - 13.4.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 13.5 Street trees must be maintained by the owner until established.

Note: Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.

Note: Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 13.6 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 13.7 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 13.8 Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by a detailed plan that demonstrates the proposed landscaping within the easement or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent will not affect / decrease the conveyance capacity of the channel.

Note: Landscaping within Drainage Easement A located on SP307472 or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent as identified on the approved plans (refer to condition 2.1) must be in accordance with Council’s easement schedule.
- 14.0 INTERNAL LANDSCAPING WORKS
- 14.1 Landscaping must be constructed and/or established in all relevant areas shown on the approved plans prior to the commencement of the use for that area (refer to condition 2.1).
- 14.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 14.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
  - 14.3.1 trees at five (5) metre intervals;
  - 14.3.2 shrubs at two (2) metre intervals; and
  - 14.3.3 groundcovers at one (1) metre intervals.
- 14.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
  - 14.4.1 Plant species are chosen from sources recommended in *Planning Scheme*

*Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy; and*

- 14.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 14.5 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 14.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 14.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
- 14.6.2 adversely affect any road lighting or public space lighting; or
- 14.6.3 adversely affect any Council infrastructure, or public utility plant.
- 14.7 The landscaped areas must be subject to:
- 14.7.1 a watering and maintenance plan during the establishment phase; and
- 14.7.2 an ongoing maintenance and replanting programme.

#### 15.0 STREET LIGHTING

- 15.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with Australian Standard AS1158 'Lighting for roads and public spaces'.
- 15.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.

#### 16.0 ELECTRICITY

- 16.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 16.2 A Certificate of Electricity Supply from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The applicant can enter a Negotiated Connection Establishment Contract with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a Certificate of Electricity Supply.

#### 17.0 TELECOMMUNICATIONS

- 17.1 Provide Fibre-Ready pit and pipe telecommunications infrastructure to each lot within the development in accordance with the Australian Government '*Telecommunications infrastructure in new developments*' policy.
- 17.2 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 17.3 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use: -

**NBN** a '*Certificate of Practical Completion*',

**Telstra** a- "*Telecommunications Agreement/Provisioning Letter*",

**A Licenced Carrier** under the Telecommunications Act 1997- (*signed documentation from a Registered Professional Engineer Queensland -electrical engineer.*)

**18.0 ASSET MANAGEMENT**

- 18.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 18.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway, or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 18.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

**19.0 ENVIRONMENTAL**

- 19.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives.
  - (ii) site location and topography.
  - (iii) vegetation.
  - (iv) site drainage.
  - (v) soils.
  - (vi) erosion susceptibility.
  - (vii) erosion risk.
  - (viii) concept.
  - (ix) design; and
  - (x) implementation,
- for the construction and post-construction phases of work.
- 19.2 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the State Planning Policy 2017 and Capricorn Municipal Design Guidelines requirements, must be:
- 19.2.1 implemented, monitored, and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped).
  - 19.2.2 The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 20.0 **OPERATING PROCEDURES**
- 20.1 All Construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Norman Road or McMillian Avenue.

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ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include food business activities such as a commercial kitchen. Approval for such activities is required before 'fitout' and operation.

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

NOTE 6. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

NOTE 7. Building Works

Council will be a referral agency for the Building Works Permit where the development does not comply with the *Queensland Development Code*. This Development Permit does not constitute a referral agency response from Council.

NOTE 8. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 9. Standard Terms Document for Easements

Easement documents for Council infrastructure must utilise Council's standard terms document - 718579623 to accompany the Survey Plan for endorsement by Council.

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to accept an application fee of \$92,393.00 for the development.

**BACKGROUND****SITE AND LOCALITY**

The site is located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, formally described as Lots 7 to 10 on RP603508. The four (4) lots are generally rectangular shaped and have a total site area of 18.177 hectares.

Lots 8 and 9 are unimproved vacant lots whilst Lot 7 is improved by a single dwelling house and Lot 10 by a golf driving range and dwelling house. The subject site is partially affected by the Flood Hazard Overlay Planning Area 1 and 2 and the Local Catchment Defined Flood Event (DFE). Lot 7 is burdened by an easement along the northern boundary, Easement A on RP861941, being in favour of Council for water infrastructure purposes and Lot 8 is burdened by an easement along the western boundary, Easement A on SP307472 in favour of Council for drainage purposes.

The subject site is immediately bound by:

- North - Low Density Residential Zone and established dwelling houses located on larger rural residential lots. Further north is the established Northridge Residential Estate.
- East - Low Density Residential Zone and established dwelling houses located on larger rural residential lots. Further east is McMillan Avenue and the privately owned Rivendel Botanic Gardens.
- South - McMillan Avenue, classified as a Major Rural Collector road. Further south is the Low Density Residential Zone and established dwelling houses located on larger rural residential lots.
- West - Norman Road, classified as a Major Urban Collector road. Further west is the Low Density Residential Zone with a mix of developed short term accommodation, commercial and residential estates fronting Yaamba Road.

The wider area is characterised by the Low Density Residential Zone and Emerging Community Zone in the northern Rockhampton suburb of Parkhurst.

**PROPOSAL****Overview**

The Applicant seeks a Development Permit for Material Change of Use for a Retirement Facility over the subject site.

Specifically, the proposal is to construct 353 detached dwelling houses over four (4) stages. Notable components of the proposal include:

- Stage One - 89 dwelling house sites;
- Stage Two - 85 dwelling house sites;
- Stage Three - 86 dwelling house sites; and
- Stage Four - 93 dwelling house sites.

The development will include outdoor recreational facilities and two (2) clubhouses, one (1) primary clubhouse to be delivered when the 150<sup>th</sup> dwelling house is delivered and one (1) secondary clubhouse (summer house) to be delivered when the 30<sup>th</sup> dwelling house is delivered.



There are three (3) typical dwelling designs that will be used throughout the development with each dwelling containing two (2) bedrooms, two (2) bathrooms. All dwellings will present internal to the site with the main vehicular access from Norman Road and secondary access point from McMillan Avenue.

A total of 180 car parking spaces will be provided on-site. This will include 128 visitor car parking spaces and 52 recreational vehicle parking spaces. Additionally, each dwelling house will be provided with two (2) carparking spaces.

## **PLANNING ASSESSMENT**

### **MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

### **TOWN PLANNING COMMENTS**

#### **State Planning Policy 2017**

Section 2.1 of Rockhampton Region Planning Scheme 2015 noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the Rockhampton Region Planning Scheme 2015.

#### **Central Queensland Regional Plan 2013**

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

#### **Rockhampton Region Planning Scheme 2015**

##### **Strategic framework**

The subject site is situated within the Urban Infill and Intensification designation and Future Urban Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the Rockhampton Region Planning Scheme 2015 are applicable:

- Settlement Pattern
- Natural Environment and Hazards
- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

An assessment of the proposal identifies that the development presents conflicts with elements of the Strategic Framework. An assessment. An assessment against the Strategic Framework is contained in the Statement of Reasons in **Recommendation A** of this report.

##### **Low Density Residential Zone**

The subject site is situated within the **Low Density Residential Zone** under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Low Density Residential Zone identifies that:

- (1) *The purpose of the low density residential zone code is to:*

- (a) *provide locations where residential uses, predominantly in the form and type of single detached one (1) storey and two (2) storey dwelling houses on individual lots are preferred to develop;*
  - (b) ***provide for the development of a mixture of other residential land use types that provide for long-term residency, where they are sited and designed to maintain the existing urban form (low rise and low density) and amenity of the surrounding area;***
  - (c) *minimise land use conflict and ensure that community and recreation facilities develop only where they are consistent with amenity and characteristics of the surrounding area; and*
  - (d) *ensure that development within the zone has appropriate standards of infrastructure and essential services.*
- (2) *The purposes of the zone will be achieved through the following overall outcomes:*
- (a) *development provides for predominantly single detached dwelling houses on individual lots of varying sizes and dual occupancies, maintaining a generally low-rise, 1-2 storey built form and low density character with small scale, detached buildings;*
  - (b) *residential development within the zone is of a type which primarily provides for the long-term accommodation of residents and not for short-term accommodation, except in the circumstances stated in (d);*
  - (c) ***low-rise multiple dwellings, relocatable home parks, residential care facilities and retirement facilities develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres, major community facilities (hospital, university etcetera) and have access to higher order roads (minor urban collector or higher) or public transport;***
  - (d) *short-term accommodations only occurs where it:*
    - (i) *is established in an existing dwelling;*
    - (ii) *does not adversely impact on the amenity of the surrounding residential area;*
    - (iii) *maintains the appearance of an ordinary dwelling that is consistent with the intentions of the zone; and*
    - (iv) *is limited in scale and duration;*

*Note—Use of a dwelling for short-term accommodation in this context may take the form of short term rental, Airbnb or similar accommodation. Purpose built commercially run short-term accommodation facilities are not intended. Short-term accommodation does not include a party house, which is separately defined.*

- (e) *non-residential uses only occur within the zone where they:*
  - (i) *do not compromise the residential character and existing amenity of the surrounding area;*
  - (ii) *are small-scale and consistent with the surrounding urban form;*
  - (iii) *primarily function to service the needs of the immediate local residential community;*
  - (iv) *do not detract from the role and function of centres;*
  - (v) *do not result in the expansion of a centre zone; and*
  - (vi) *have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport;*
- (f) *no expansion of existing centres or industrial areas will occur into the low density residential zone. In addition, no additional local centres or higher order centres are required within the low density residential zone;*

- (g) *neighbourhood centres do not expand to service a wider local centre catchment. South Gracemere is to accommodate a neighbourhood centre commensurate with the population of the immediate catchment;*
- (h) *new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;*

*Editor's note—To remove any doubt specialised centres are a centre zones category.*

- (i) *development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;*
- (j) *development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;*
- (k) *new residential developments are not located in proximity to existing incompatible uses such as rural uses, industrial uses and major community facilities without separation distances, landscaping and screening that minimise impacts on amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;*
- (l) *new residential developments are located and integrated with existing neighbourhoods;*
- (m) *development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints;*
- (n) *development provides connection to pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;*
- (o) *development is serviced by infrastructure that is commensurate with the needs of the use; and*
- (p) *the establishment of one (1) precinct within the zone where particular requirements are identified:*
- (i) Fitzroy River accommodation precinct; and*
  - (ii) Residential stables precinct.*

This application is consistent with the purpose of the Zone.

### **Rockhampton Regional Planning Scheme Codes**

The following codes are applicable to this application:

- Low Density Residential Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Filling and Excavation Code;
- Biodiversity Areas Overlay Code; and
- Flood Hazard Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes

and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

### **INFRASTRUCTURE CHARGES**

Charges Resolution (No. 1) of 2022 for **accommodation (short and long term)** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$7,735,147.80 for 353 x two (2) bedroom dwelling houses;
- (b) An offset will be applicable for the trunk infrastructure identified in the conditions of approval; and
- (c) An Infrastructure Credit of \$122,710.60 for the existing four (4) allotments.

In accordance with section 3.1 of Charges Resolution (No.1) of 2022, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters.

The calculations are reflected in the below table:

| Column 1<br>Use Schedule     | Column 1A<br>Use       | Column 2<br>Adopted Infrastructure Charge<br>for residential development<br>(\$) |                            |                             | Column 3<br>Unit       | Column 4<br>Calculated<br>Charge |
|------------------------------|------------------------|--|----------------------------|-----------------------------|------------------------|----------------------------------|
|                              |                        | (a)<br>2 or less<br>b'room   | (b)<br>3 or more<br>b'room | (c)<br>Not part<br>of suite |                        |                                  |
| Accommodation<br>(Long Term) | Retirement<br>Facility | 21,912.60  | N/A                        | N/A                         | Per b'room<br>or suite | \$7,735,147.80                   |
| Total Base Charge            |                        |  |                            |                             |                        | \$7,735,147.80                   |
| Charge (including PPI)       |                        |  |                            |                             |                        | \$8,649,346.09                   |
| Total Base Credit            |                        |  |                            |                             |                        | \$122,710.60                     |
| Credit (including PPI)       |                        |  |                            |                             |                        | \$137,213.47                     |
| <b>TOTAL CHARGE</b>          |                        |  |                            |                             |                        | <b>\$8,512,132.62</b>            |

Therefore, the charge of \$8,512,132.62 minus the offset for the trunk infrastructure will apply to the development.

### **APPLICATION FEE REDUCTION**

The application fee for a Retirement Facility under Council's approved Fees and Charges Schedule 2023-2024 is calculated as follows:

- Retirement Facility: \$2,266.00 base fee plus \$520.00 per unit/room.

The proposal had 351 units which equates to a total application fee of \$184,786.00.

The applicant has requested the assessment fee be reduced based on the following:

If the development application were lodged in the following localities, the application fee would be:

- Livingstone Shire Council: \$169,594.00;
- Central Highlands Regional Council: \$61,241.50;
- Mackay Regional Council: \$29,000.00; and
- Gladstone Regional Council: \$25,398.00.

The proposed fee, based on the average across the above other Local Council fees will total \$94,003.80.

If Rockhampton Regional Council applies a 50% concession to the original application fee of \$184,786.00, the fee will total \$92,393.00 which is considered to more closely align with the requested above average cost methodology and will reflect a cost recovery for assessing the development application.

Therefore, although the proposed fee represents a reduction of \$92,393.00 it will not result in Council being left exposed to a financial liability.

### **CONSULTATION**

The proposal was the subject of public notification between 26 April 2024 and 22 May 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) properly made submissions and one (1) not properly made submission was received.

The issues raised and how they were considered and addressed is outlined in the Statement of Reasons in **Recommendation A** of this Report.

### **REFERRALS**

The application was referred to the Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response with no conditions 9 May 2024.

### **CONCLUSION**

THAT the proposed development is not anticipated to compromise the Strategic Framework of Rockhampton Region Planning Scheme 2015. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation; and

THAT the proposed fee reduction will not result in Council being left exposed to a financial liability, and more appropriately reflects the cost involved with assessing the application.

# **DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (353 SITES)**

## **Locality Plan**

**Meeting Date: 10 September 2024**

**Attachment No: 1**



**DEVELOPMENT APPLICATION FOR A  
MATERIAL CHANGE OF USE FOR A  
RETIREMENT FACILITY (353 SITES)**

**Site Plan**

**Meeting Date: 10 September 2024**

**Attachment No: 2**





**03.01** Architectural Drawings  
Master Plan

| YIELD                             |                                 |
|-----------------------------------|---------------------------------|
| TOTAL NUMBER OF LOTS              | 353                             |
| LOT SIZE                          |                                 |
| 14.0m x 21.0m STANDARD LOTS       | 133                             |
| 15.0m x 21.0m LARGE LOTS          | 84                              |
| 13.5m x 21.0m CORNER VILLA LOTS   | 70                              |
| SPECIAL LOTS                      | 66                              |
| LEGEND                            |                                 |
| VISITOR CAR PARKING               | 131                             |
| RV PARKING                        | 52                              |
| SITE AREA                         | 182 117 m <sup>2</sup> (approx) |
| DENSITY                           | 1 LOT PER 516 m <sup>2</sup>    |
| SITE COVER (HOMES + FACILITIES)   | 86 931 m <sup>2</sup> (48%)     |
| OPEN SPACE (MIN. DIMENSION OF 2m) | 59 647 m <sup>2</sup> (33%)     |
| SITE PERIMETER                    | 2 147 m                         |

**JAREDDPOOLEDESIGN**  
LEVEL 1 33 ELKHORN AVENUE TEL: 07 5527 5300  
SUNSHINE PARADISE, QLD 4217 AUSTRALIA EMAIL: INFO@JPD.COM.AU  
PO BOX 42, HOLE OF CAPS, QLD 4217 WEB: WWW.JPD.COM.AU

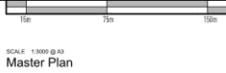
**Living Gems\***

PROJECT: Proposed New Development  
Norman Road, Parkhurst (Rockhampton) Qld  
CLIENT: LivingGems

| REVISION | DATE     | DESCRIPTION             |
|----------|----------|-------------------------|
| D        | 16.01.24 | Manager's seal removed  |
| D        | 16.01.24 | Site address added      |
| C        | 16.01.23 | Lot 861 added           |
| B        | 16.01.23 | Survey boundaries added |
| A        | 06.09.23 | Issue for approval      |

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DRAWING TITLE: BP1426/03.01



SCALE: 1:500 @ A3  
Master Plan

**POOLE**

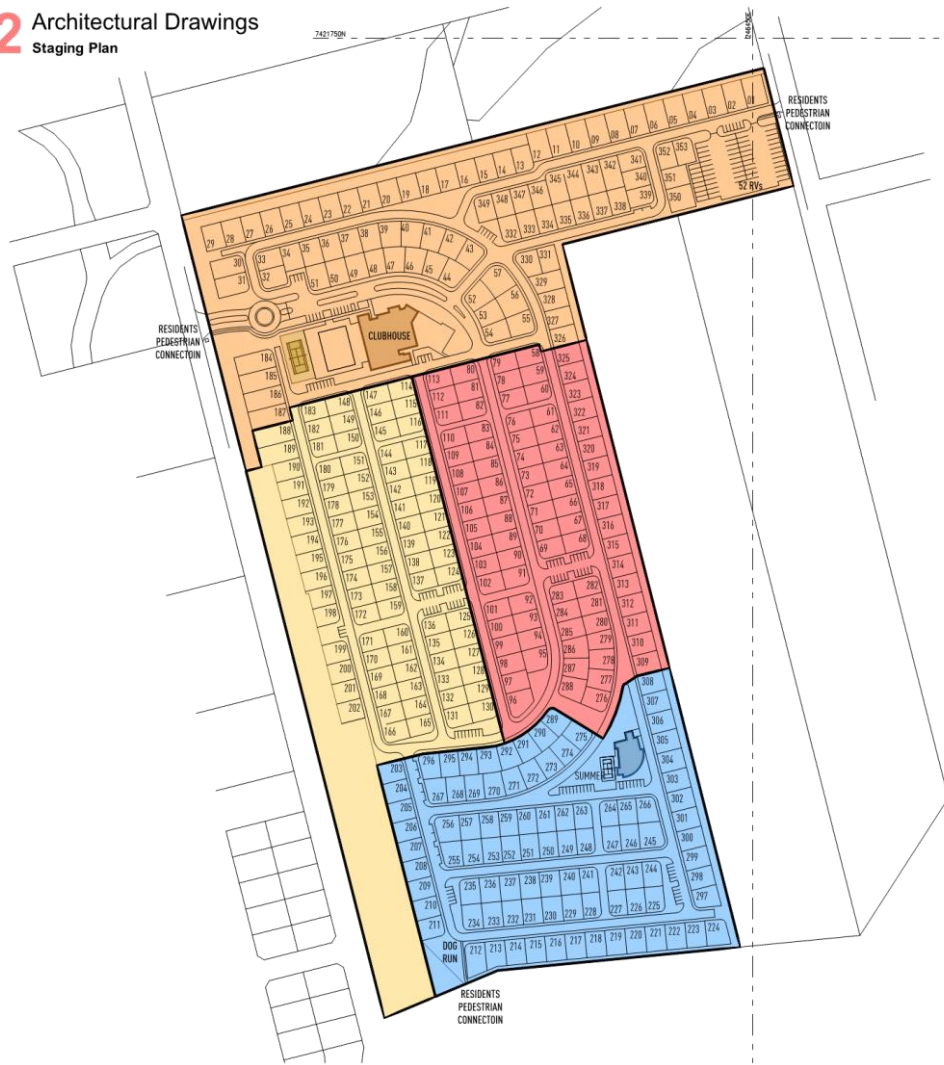
# **DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (353 SITES)**

## **Staging Plan**

**Meeting Date: 10 September 2024**

**Attachment No: 3**

**03.02** Architectural Drawings  
Staging Plan



**STAGING LEGEND**

|                                       |              |                 |
|---------------------------------------|--------------|-----------------|
| <span style="color: orange;">■</span> | STAGE 1      | 89 LOTS         |
| <span style="color: yellow;">■</span> | STAGE 2      | 85 LOTS         |
| <span style="color: red;">■</span>    | STAGE 3      | 86 LOTS         |
| <span style="color: blue;">■</span>   | STAGE 4      | 93 LOTS         |
|                                       | <b>TOTAL</b> | <b>353 LOTS</b> |

**JAREDDPOOLEDESIGN**  
 LEVEL 1 33 ELKHORN AVENUE TEL: 07 5527 5300  
 SUFFERS PARADISE, QLD 4217 AUSTRALIA EMAIL: INFO@JPD.COM.AU  
 PO BOX 42, ISLE OF CAPRI, QLD 4217 WEB: WWW.JPD.COM.AU

**Living Gems\***

|            |          |                      |
|------------|----------|----------------------|
| #          | 12.04.24 | Staging plan updated |
| A          | 06.09.23 | Issue for approval   |
| ISSUE DATE |          | DESCRIPTION          |

PROJECT Proposed New Development  
 Norman Road, Parkhurst (Rockhampton) Qld  
 CLIENT LivingGems

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 DRAWING TITLE BP1426/03.02



SCALE: 1:1000 @ A3  
 Staging Plan

**POOLE**

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**11.2 REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/2-2023 FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MICROBREWERY), HOTEL AND SHOP**

**File No:** D/2-2023  
**Attachments:** 1. [Locality Plan](#)  
**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Alicia Cutler - General Manager Community Services  
**Author:** Kathy McDonald - Principal Planning Officer

---

**SUMMARY**

*Development Application Number:* D/2-2023  
*Applicant:* B R Brewery Pty Ltd  
*Real Property Address:* Lot 1 on RP608441  
*Common Property Address:* 304 Quay Street, Rockhampton City  
*Area of Site:* 809 square metres  
*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (v2.2)  
*Planning Scheme Zone:* Waterfront and Marine Industry Zone  
*Planning Scheme Precinct:* Fitzroy River Industry Precinct  
*Existing Development:* Warehouse  
*Approval Sought:* Amended Decision Notice for Development Permit D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop  
*Affected Entity:* Nil

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Minor Change to D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to issue an Amended Decision Notice subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
  - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
  - 1.3 All conditions, works, or requirements of this development approval must be
-

undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
  - 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.5.1 Operational Works:
      - (i) Parking Works;
    - 1.5.2 Plumbing and Drainage Works; and
    - 1.5.3 Building Works.
  - 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
  - 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
  - 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

| <u>Plan/Document Name</u> | <u>Prepared by</u> | <u>Date</u>  | <u>Reference No.</u> | <u>Version /Issue</u> |
|---------------------------|--------------------|--------------|----------------------|-----------------------|
| Overall Site / Title      | Dezign Elements    | 28 June 2023 | S-00                 | -                     |
| Site Plan - Parking       | Dezign Elements    | 28 June 2023 | S-01                 | -                     |
| Existing Floor Plan       | Dezign Elements    | 28 June 2023 | S-02                 | -                     |
| Proposed Floor Plan       | Dezign Elements    | 28 June 2023 | S-03                 | -                     |
| Legend Colour Zone        | Dezign Elements    | 28 June 2023 | S-04                 | -                     |

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- ## 3.0 PARKING WORKS
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access and parking works on the development site.

- 
- 3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (parking works).
  - 3.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel prior to the commencement of Stage Two (Hotel).
  - 3.4 A minimum of ten (10) on-street parking spaces must be provided along the Stanley Street frontage of the site prior to the commencement of Stage One (Special Industry - Microbrewery and Shop).
  - 3.5 Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".
  - 3.6 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (parking works).
  - 3.7 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".
  - 3.8 An additional four (4) on-street parking spaces must be provided along the Quay Street frontage of the site prior to the commencement of Stage Two (Hotel).
  - 4.0 PLUMBING AND DRAINAGE WORKS
  - 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
  - 4.2 The development must be connected to Council's reticulated sewerage and water networks.
  - 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
  - 4.4 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
  - 4.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act 2018.
  - 4.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act 2018 and Council's Plumbing and Drainage Policies.
  - 4.7 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
  - 5.0 BUILDING WORKS
  - 5.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
-

- 
- 5.2 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 5.3 All external elements, such as air conditioners and any associated equipment for the development, must be adequately screened from public view, to Council's satisfaction.
- 5.4 Waste storage areas must be provided in accordance with the Environmental Protection Regulation 2019 and must be screened so as not to be visible from a public space.
- 5.5 Access to and use of the land the subject of this application must comply with the provisions of the Anti-Discrimination Act 1991. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 6.0 ASSET MANAGEMENT
- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 6.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 6.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 7.0 OPERATING PROCEDURES
- 7.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Quay Lane.
- 7.2 Service vehicles, including refuse collection vehicles must be via Quay Lane only.
- 7.3 The hours of operations for the development site must be limited to:
- (i) 10:00 hours to 24:00 hours on Monday to Sunday
- 7.4 Live entertainment must be limited to:
- (i) 20:00 hours on Sunday to Thursday; and
- (ii) 24:00 hours on Friday to Saturday.
- 7.5 Noise emitted from the activity must not cause an environmental nuisance.
- 7.6 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or odour.
- 7.7 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within
-

appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy 2019.

- 7.8 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) and in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 7.8.1 the area is kept in a clean and tidy condition;
  - 7.8.2 no waste material is stored external to the waste storage area/s; and
  - 7.8.3 the area is maintained in accordance with Environmental Protection Regulation 2019.
- 8.0 STAGED DEVELOPMENT
- 8.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 8.1.1 Stage one – Special Industry (Microbrewery) and Shop; and
  - 8.1.2 Stage two – Hotel.
- Stage one must be completed prior to Stage two.
- 8.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 8.3 The currency period for Stage one and Stage two is six (6) years from the date this approval takes effect.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.



NOTE 5. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 6. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with *Standard Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (parking works).

NOTE 7. Building Works

A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

NOTE 8. Plumbing and Drainage

A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

NOTE 9. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 10. Flooding (Contingency Plan)

A Contingency Plan is recommended for the development site. The plan should demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the owner and any occupier of the premises will collect possessions, clear the site and vacate the property in a flood event.

NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

NOTE 11. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

NOTE 12. Stationary Roadside Vending

Roadside vendors wanting to trade on Local Government controlled areas and/or roads require approval (Commercial Use of Roads Application Form – Stationary Roadside Vending). This approval must be obtained for the activity to allow an operator to solicit or carry on the supply of goods or services (including food and drink) for profit from a specified place or a number of specified places.

**RECOMMENDATION B**

THAT in relation to the application for a Minor Change to D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$62,860.03.

**SITE AND LOCALITY**

The subject site, 304 Quay Street, Rockhampton City is located in the Waterfront and Marine Industry Zone and Fitzroy River Industry Precinct under the *Rockhampton Region Planning Scheme 2015*. The site is 809 square metres in area and is fully encompassed by an existing warehouse building with an as-constructed design being built to boundary. The site is located on a prominent corner site and has three (3) road frontages, Quay Street, Stanley Street and Quay Lane. The main building entrance is located towards the river front along Quay Street, the service/loading entrance along Stanley Street and no entrances to the building are available from Quay Lane.

Surrounding the subject site is a mix of industrial and residential properties also located within the Waterfront and Marine Industry Zone. Directly adjoining the site to the southeast is several service industries before connecting to the residential uses of Depot Hill. To the north and west lies the South Rockhampton Industrial area and beyond this (260 metres) is the Rockhampton City Business District.

The site is wholly affected by Riverine Flooding, H2 (Medium) and H3 (High). However operational areas of the building are not affected due to the raised internal floor level which has a freeboard height of 520 millimetres.

**BACKGROUND**

Council at its meeting on 11 July 2023, approved a Development Permit for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop located at 304 Quay Street, Rockhampton City, formally described as Lot 1 on RP608441.

The development involves the re-use of an existing industrial warehouse building ground floor area (approximately 797 square metres) to establish a brewery wet area, public area, bar, kitchen, kid's room, office, cold rooms and amenities.

Minor internal alterations have begun within the existing building for the brewery use under Plumbing Permit P/389-2023-PLUMB and Building Works Permit B/913-2024-PC.

The land use for Special Industry (Microbrewery), Hotel and Shop is not considered to have commenced.

**PROPOSAL**

In accordance with section 78 of the *Planning Act 2016*, the applicant has applied for a 'Minor Change' to the development approval. The applicant has proposed to make the following changes to the development:

- a) The applicant has requested to introduce staging to the development:
  - Stage one – Special Industry (Microbrewery) and Shop; and
  - Stage two – Hotel
- b) The applicant has requested that Conditions 3.3 and 3.4 be amended to include 'Stage two' reference.
  - These two conditions relate to the removal of the vehicle crossover on Quay Street and the number of on-street parking spaces to be provided.

The reason for the change is to provide flexibility in the commencement of the use. This will enable the owners to open the 'Special Industry (Microbrewery) and Shop' prior to the 'Hotel' component thereby allowing for profitmaking prior to acquiring the construction costs

associated with the ‘Hotel’ (etc commercial kitchen). Operations for the development will continue as intended.

Consequential changes to conditions of approval are detailed herein.

**Table 1** includes the conditions that are to be amended. All conditions to be amended have been requested to or agreed to by the applicant:

**TABLE 1 – PROPOSED CHANGES**

| <b>Requested By Applicant</b>  |   |
|--|---|
| <p><b>Condition 3.3 is to be amended:</b></p> <p><b>From:</b></p> <p>3.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.</p> <p><b>To:</b></p> <p>3.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel prior to the commencement of Stage Two (Hotel).</p>   | <p><b>Council Officer’s Response:</b></p> <p>This condition is required to be amended to allow the applicant the flexibility to complete the works prior to the commencement of the Hotel use.</p> <p>The applicant has requested this change to allow the crossover to be utilised by food van vendors to complement the Special Industry (Microbrewery) and Shop use in the interim until the Hotel use commences.</p> <p>Council officers have assessed the requested change and determined it will not have any significant impacts to Council’s road network. Furthermore, the area in which the food vans are to be stationed is not located within the Rockhampton CBD exclusion zone for stationary roadside vending.</p> <p>The following Advisory Note has been included:</p> <p>NOTE 12. <u>Stationary Roadside Vending</u></p> <p style="padding-left: 40px;">Roadside vendors wanting to trade on Local Government controlled areas and/or roads require approval (Commercial Use of Roads Application – Stationary Roadside Vending). This approval must be obtained for the activity to allow an operator to solicit or carry on the supply of goods or services (including food and drink) for profit from a specified place or a number of specified places.</p> |
| <p><b>Condition 3.4 is to be amended:</b></p> <p><b>From:</b></p> <p>3.4 A minimum of fourteen (14) on-street parking spaces must be provided along the Quay Street and Stanley Street frontage of the site.</p> <p><b>To:</b></p> <p>3.4 A minimum of ten (10) on-street parking spaces must be provided along the Stanley Street frontage of the site prior to the commencement of Stage One (Special Industry - Microbrewery and Shop).</p> | <p><b>Council Officer’s Response:</b></p> <p>This condition is required to be amended as four (4) of the on-street parking bays are located along the Quay Street frontage of the development site.</p> <p>As Councils standard kerb and channel will not be replaced along the Quay Street frontage until Stage two, four (4) of the on-street parking bays are unable to be delivered.</p> <p>Ten (10) on-street parking spaces will now be required on the commencement of Stage one and four (4) on-street parking spaces on the commencement of Stage two.</p> <p>It would be expected that the Hotel (restaurant) component would be a significant traffic generator and the delay of four (4) spaces along</p>   |

|  |  |
|--|--|
|  | the Quay Street frontage would not have any significant impacts to the operations of the brewery / shop component. There will still be ten (10) spaces provided along the Stanley Street frontage of the site and these spaces, combined with the available on-street parking in the vicinity, is expected to be sufficient to cater for Stage one of the development (Special Industry (Microbrewery) and Shop).  |
| <p><b>Conditions 8.1 and 8.2 are to be included:</b></p> <p>8.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:</p> <p>8.1.1 Stage one – Special Industry (Microbrewery) and Shop; and</p> <p>8.1.2 Stage two – Hotel.</p> <p>Stage one must be completed prior to Stage two.</p> <p>8.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.</p> <p>The currency period for Stage one and Stage two is six (6) years from the date this approval takes effect.</p> | <p><b>Council Officer’s Response:</b></p> <p>The conditions are required to include the requested to stage the development.</p> <p>The currency period for the approval will remain in accordance with section 85(1)(a)(ii) of the <i>Planning Act 2016</i>, the development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.</p> |
| <b>Required By Council</b>   |  |
| <p><b>Condition 3.8 is to be included:</b></p> <p>3.8 An additional four (4) on-street parking spaces must be provided along the Quay Street frontage of the site prior to the commencement of Stage Two (Hotel).</p>  | <p><b>Council Officer’s Response:</b></p> <p>This new condition is required to be included as four (4) of the on-street parking bays will not be delivered along the Quay Street frontage until Stage two of the development.</p>  |

## PLANNING ASSESSMENT

The change application has been assessed in accordance with section 81 of the Planning Act. Relevantly in assessing the change application, Council as responsible entity has considered:

- The information the applicant included with the application;
- Any properly made submissions about the development application or other change application that was approved;
- Any pre-request response notice or response notice given in relation to the change application; and
- All matters Council, as responsible entity, would or may assess against or have regard to, if the change application were a development application.

The proposed changes wholly comply with the applicable assessment benchmarks contained in the **Rockhampton Region Planning Scheme 2015 (v2.1)** and no further assessment is required.

## INFRASTRUCTURE CHARGES

For a change application (minor), Council must recalculate the levied charges in accordance with the version of the Charges Resolution in effect when the Infrastructure Charges Notice (ICN) was issued.

Charges Resolution (No. 1) of 2022 for non-residential development applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$12,847.95 for Gross Floor Area being 167.40 square metres (Special Industry/Microbrewery);
- (b) A charge of \$133,651.00 for Gross Floor Area being 610 square metres (Hotel - non accommodation);
- (c) A charge of \$3,865.12 for Gross Floor Area being 19.6 square metres (Shop);
- (d) No charge for Impervious Area being 809 square metres (existing roof area); and
- (e) An Infrastructure Credit of \$84,227.60 made up as follows:
  - (i) \$84,227.60 - Infrastructure Credit applicable for the existing warehouse structure (1,537 square metres x \$54.80).

In accordance with section 3.1 of *Charges Resolution (No.1) of 2022*, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters; and

In accordance with Development Incentives Policy, section 3.5 of the *Charges Resolution (No. 1) of 2022*, the levied charge will be 85 per cent of the total charge calculated.

The automatic increase and development incentive calculations are reflected in the below table:

| Column 1<br>Use Schedule                    | Column 1A<br>Use | Column 2<br>Adopted Infrastructure Charge for non-residential development<br>(\$) |  | Column 3<br>Calculated Charge |
|---|------------------|---|--|-------------------------------|
|   |                  | (a)<br>per m <sup>2</sup> of Gross Floor Area (GFA)                               | (b)<br>per m <sup>2</sup> Impervious to Stormwater |                               |
| High Impact Industry or Special Industry    | Special Industry | 76.75   | 10.95  | \$12,847.95                   |
| Commercial (retail)                         | Shop             | 197.20  | 10.95  | \$3,865.12                    |
| Entertainment                               | Hotel            | 219.10  | 10.95  | \$133,651.00                  |
| Total Base Charge                           |                  |   |  | \$150,364.07                  |
| Charge (including PPI)                      |                  |   |  | \$168,135.23                  |
| Total Base Credit                           |                  |   |  | \$84,227.60                   |
| Credit (including PPI)                      |                  |   |  | \$94,182.25                   |
| <b>TOTAL CHARGE</b>                         |                  |   |  | <b>\$73,952.98</b>            |
| <b>LEVIED CHARGE (15% discount applied)</b> |                  |   |  | <b>\$62,860.03</b>            |

The Infrastructure Charges are payable in stages:

- No charge for Stage One (Special Industry - Microbrewery and Shop); and
- A charge of \$62,860.03 is payable for Stage Two (Hotel).

Therefore, a total charge of **\$62,860.03** is payable for the development.

## CONCLUSION

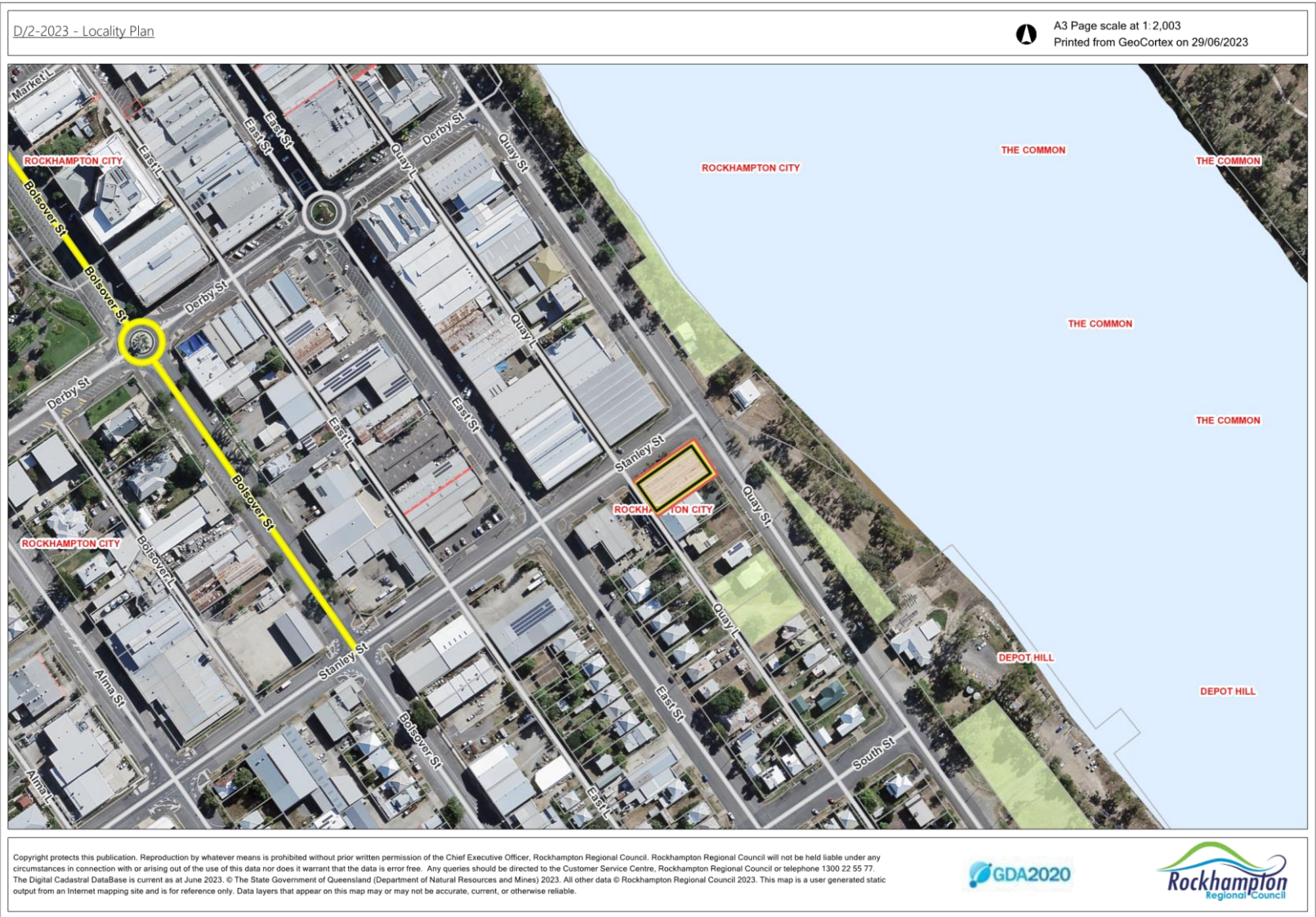
The Applicant's change application is considered reasonable and recommended for approval.

**REQUEST FOR MINOR CHANGE TO  
DEVELOPMENT PERMIT D/2-2023 FOR  
A MATERIAL CHANGE OF USE FOR  
SPECIAL INDUSTRY  
(MICROBREWERY), HOTEL AND SHOP**

**Locality Plan**

**Meeting Date: 10 September 2024**

**Attachment No: 1**



**11.3 REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY REVIEW**

|                             |  |
|-----------------------------|--|
| <b>File No:</b>             | <b>11979</b>   |
| <b>Attachments:</b>         | <b>1. Final Draft Refund, Exemption and Reduction of Fees and Charges Policy - Tracked Changes</b> <a href="#">↓</a><br><b>2. Final Draft Refund, Exemption and Reduction of Fees and Charges Policy - Clean</b> <a href="#">↓</a> |
| <b>Authorising Officer:</b> | <b>Ross Cheesman - Acting Chief Executive Officer</b>  |
| <b>Author:</b>              | <b>Marnie Taylor - Chief Financial Officer</b>   |

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**SUMMARY**

*The reviewed draft Refund, Exemption and Reduction of Fees and Charges Policy is presented to Council for consideration and adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council adopts the revised Refund, Exemption and Reduction of Fees and Charges Policy.

**COMMENTARY**

The Refund, Exemption and Reduction of Fees and Charges Policy was last reviewed in August 2020 and it is therefore due for review.

A recent review of this Policy has been undertaken with the following major amendments:

1. A time limit has been added for the consideration of refunds within 2 years only.
2. An exemption has been added for fees associated with the use of Council facilities for local government election purposes.
3. A paragraph has been added to cover refunds where the customer has paid the incorrect fee or charge.
4. A reference to refunds under the Fees and Charges Schedule and Terms and Conditions, to ensure additional conditions contained in the Schedule or Terms and Conditions are considered.
5. Inclusion of a requirement to gain a delegated officers approval for the refund or exemption of prescribed fees (local laws fees).

The Policy has also been updated to reference the recently adopted Temporary Entertainment and Events and Regulated Activities on Council Controlled Area and Roads Policy.

**BACKGROUND**

Council's Refund, Exemption and Reduction of Fees and Charges Policy was originally adopted in June 2018.



**BUDGET IMPLICATIONS**

There are no budget implications, however the changes to the Policy aim to improve consistency across Council in relation to the refunding, exempting or reduction of fees and charges.

**LEGISLATIVE CONTEXT**

There is no legislative context relative to the recommendation.

**LEGAL IMPLICATIONS**

There are no legal implications relative to the recommendation.

**STAFFING IMPLICATIONS**

There are no staffing implications in relation to this matter.

**RISK ASSESSMENT**

There is no risk assessment required in relation to this matter.

**CORPORATE/OPERATIONAL PLAN**

Goal 1.1 – We are fiscally responsible

We have effective governance with accountable decision-making practices.

**CONCLUSION**

The revised Refund, Exemption and Reduction of Fees and Charges Policy is presented for Council's consideration and approval.

# **REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY REVIEW**

## **Final Draft Refund, Exemption and Reduction of Fees and Charges Policy - Tracked Changes**

**Meeting Date: 10 September 2024**

**Attachment No: 1**

## REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to the refunds, exemption or reduction of Rockhampton Regional Council ~~adopted~~ fees and charges. This policy does not apply to requests received relating to levied rates and charges or the refund of deposits.

#### 2 Purpose

The purpose of this policy is to ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council's ~~adopted~~ fees and charges.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

Complaints Management Policy

Delegations Register – Local Law No. 1 (Administration) 2011

Fees and Charges Schedule

Financial Delegations Policy

Payment Exception Authority Procedure

[Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy](#)

[Refund of Fees and Charges Procedure – Dog Registration and Keeping of Animals Application for Approval Fees](#)

[Refund of Fees and Charges Procedure – Public and Environmental Health and Local Laws Licensing/Application Fees](#)

#### 4 Definitions

To assist in interpretation, the following definitions apply:

|         |  |
|---------|--|
| CEO     | Chief Executive Officer<br>A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position. |
| Council | Rockhampton Regional Council   |

#### LEGAL AND GOVERNANCE USE ONLY

|                   |  |             |                    |
|-------------------|--|-------------|--------------------|
| Adopted/Approved: | <del>Adopted, 12 June 2018</del> DRAFT | Department: | Corporate Services |
| Version:          | 2                                      | Section:    | Finance            |
| Reviewed Date:    | 25 August 2020                         | Page No:    | Page 1 of 5        |

|                         |   |
|-------------------------|---|
| Delegated Officer       | Employee appointed to a position with a delegation under section 35(3) of <i>Local Law No. 1 (Administration) 2011</i> .  |
| Employee                | Local government employee:<br>(a) The CEO; or<br>(b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .  |
| Exemption               | Includes waiving.   |
| Fees and Charges        | Council fees and charges contained within the schedules adopted annually in accordance with <i>Local Government Regulation 2012</i> . <a href="#">Other fees and charges which are set from time to time are also included in this definition for example Council-run events or activities.</a>   |
| Financial Delegation    | A formal delegation (consisting of a financial band and a contractual delegation) allowing an employee to authorise/approve the expenditure or reimbursement of money within their approved budget and delegation limit. This delegation allows an employee with responsibility for a budget to manage that budget.                     |
| <a href="#">Manager</a> | <a href="#">An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.</a>  |
| Prescribed Fee          | A <del>legal-law</del> cost-recovery fee fixed by the local government, by local law or by resolution under the <i>Local Government Act 2009</i> and listed in the Fees and Charges Schedule with a Council Local Law, <a href="#">including subordinates</a> , as the <del>governing specific legislation</del> legislative authority. |
| Refund                  | Includes remit <del>of funds or repayment of a sum of money</del> .   |

## 5 Policy Statement

Council's fees and charges are fixed ~~annually~~ by Council in accordance with the *Local Government Regulation 2012* and are usually not ~~refunded, reduced or waived~~, ~~refundable~~.

Council may however consider refunding, exempting or reducing fees and charges in a consistent manner on a case-by-case basis, subject to certain conditions being met. [Fees and charges are only considered for a refund within two years of the payment being made and](#) Refunds are only ~~payable~~ returned to the person or entity who paid the fee or charge.

[Any fees and charges associated with the use of Council facilities for local government election purposes are exempt at all times.](#)

### 5.1 Refund/Exemption/Reduction Due to Error

#### [5.1.1 Applied by Council](#)

If a fee or charge has been incorrectly applied by Council or invalidated by administrative or legislative change, actions will be ~~under~~ taken to rectify the error as soon as possible. Where necessary, the customer is contacted to advise the appropriate actions to be ~~under~~ taken and to arrange for a refund to be processed if applicable.

#### [5.1.2 Incorrectly Paid by Customer](#)

[Where a customer has incorrectly paid or overpaid a fee or charge, actions are taken to refund the customer within a reasonable timeframe. Council requires evidence of the incorrect payment or overpayment of the fee or charge prior to issuing the refund.](#)

| LEGAL AND GOVERNANCE USE ONLY |  |             |                    |
|-------------------------------|--|-------------|--------------------|
| Adopted/Approved:             | <del>Adopted, 12 June 2018</del> DRAFT | Department: | Corporate Services |
| Version:                      | 2                                      | Section:    | Finance            |
| Reviewed Date:                | 25 August 2020                         | Page No:    | Page 2 of 5        |

## 5.2 Customer Request for Refund/Exemption/Reduction of a Valid Charge

Customer requests for refunds, exemptions and or reductions [of a valid charge](#) are only considered following receipt of a customer's formal request in writing along with mandatory and supporting documentation.

Council does not refund:

- (a) Public and environmental health licence fees for the sale of a business or surrender of a licence;
- (b) Temporary entertainment events [and regulated activities as defined in the Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy \(for example, festival/public place activity/wedding ceremony attended by more than 50 people\)](#) application [and assessment](#) fees for ~~local community groups approvals~~; and
- (c) Temporary entertainment event [on private land application and](#) renewal fees for local community groups.
- (d) [Dog registration – for relocated dogs outside the Region \(the owner may be eligible for reciprocal registration in their new local government area\).](#)

Requests must be lodged in accordance with the following timeframes:

- (a) [Dog registration – within the first six months up to and including 28 February within the current of Council's registration period;](#)
- ~~(d) Training courses – within 48 hours prior to the event;~~
- ~~(e)(b)~~ Licence application fee – within 10 working days of the application being withdrawn; and
- ~~(f)(c)~~ For all other requests – within 10 working days of payment, or where sufficient evidence is provided to confirm that the request has been submitted as soon as reasonably practical.

### 5.2.1 Acknowledgement of Refund/Exemption/Reduction

Upon receipt of a formal written request, Council will acknowledge the request in writing within 10 working days and advise of subsequent actions to be ~~undertaken~~ if required.

## 5.3 Refund Outlined in the Fees and Charges Schedule

[Where a refund is outlined in the Fees and Charges Schedule actions are taken to refund the customer within a reasonable timeframe and in accordance with any additional conditions within the Fees and Charges Schedule.](#)

## 5.4 Refund Outlined in Terms and Conditions

[Where a refund is outlined in Terms and Conditions actions are taken to refund the customer in accordance with the Terms and Conditions.](#)

### 5.35.5 Considerations for Refund/Exemption/Reduction

Requests are reviewed taking into account the following considerations:

- (a) A possible administration error has resulted in an incorrect fee or charge;
- (b) The fee has been overpaid by the customer;
- (c) Situation has changed where the fee or charge is no longer relevant;
- (d) The fee has been paid for Council to perform a specific action and the action has not been performed;
- (e) Additional conditions within any related policy and procedure [and the Fees and Charges Schedule for example, the percentage of the refund stipulated in the fees and charges \(if applicable\)](#); and
- (f) If Council has already incurred any direct or indirect costs.

Further considerations relevant to the specific request may also apply in addition to those detailed above.

| LEGAL AND GOVERNANCE USE ONLY |  |             |                    |
|-------------------------------|--|-------------|--------------------|
| Adopted/Approved:             | <a href="#">Adopted, 12 June 2018</a> <del>DRAFT</del> | Department: | Corporate Services |
| Version:                      | 2  | Section:    | Finance            |
| Reviewed Date:                | 25 August 2020   | Page No:    | Page 3 of 5        |

**5.45.6 Approval Values Levels**

The Chief Financial Officer must be promptly notified after any refund, exemption or reduction greater than \$5,000 has been approved.

**5.4.15.6.1 Refund/Exemption/Reduction Due to Error**

Refunds/exemptions/reductions under paragraph 5.1 up to the amount of \$5,000 must be approved by an employee in a position with relevant financial delegation. Amounts greater than \$5,000 must be approved by the relevant general manager or executive manager, Chief Financial Officer, Deputy Chief Executive Officer or CEO. [If a prescribed fee, the approval process in paragraph 5.6.5 also applies.](#)

**5.4.25.6.2 Refund/Exemption/Reduction Other Than Due to an Error**

Other refunds, exemptions and reductions outside paragraph 5.1 (other than due to an error), [paragraph 5.3 \(outlined in the Fees and Charges Schedule\) and paragraph 5.4 \(outlined in Terms and Conditions\)](#) up to the amount of \$1,000 must be approved by the relevant general manager or executive manager, Deputy Chief Executive Officer or the CEO, and amounts between \$1,000 and \$5,000 must be approved by the CEO, with amounts greater than \$5,000 to be referred to Council. The CEO must be promptly notified after a refund, exemption or reduction [outside paragraph 5.1 \(other than due to an error\) under this paragraph](#) has been made. The CEO must provide a report of these refunds, exemptions or reductions of fees to be presented to Council at the next available meeting.

[If a prescribed fee, the approval process in paragraph 5.6.5 also applies.](#)

[A register of all refunds, exemptions and reduction of fees and charges is kept in accordance with Council's Recordkeeping Policy and overseen by the Chief Financial Officer, this includes any supporting documentation such as invoices, emails and other correspondence.](#)

**5.6.3 Refunds Outlined in the Fees and Charges Schedule**

[Refunds under paragraph 5.3, as outlined in the Fees and Charges Schedule, are approved by an employee with the relevant financial delegation, unless stipulated otherwise in the Fees and Charges Schedule. If a prescribed fee, the approval process in paragraph 5.6.5 also applies.](#)

**5.6.4 Refunds Outlined in Terms and Conditions**

[Refunds under paragraph 5.4, as outlined in terms and conditions, are approved by an employee with the relevant financial delegation.](#)

**5.4.35.6.5 Refund/Exemption of Local Law Prescribed Fees**

[Refunds and exemptions of prescribed fees must be approved by a delegated officer within the following limitation:](#)

- [\(a\) Delegated officers who are a manager are only able to approve a refund, exemption or reduction due to an error as detailed in paragraph 5.1.](#)

~~In addition to paragraphs 5.4.1 and 5.4.2, a delegated officer's approval is also required to refund or exempt a local law prescribed fee.~~

Council approval is required for any requests, received more than two financial years after a payment, for an exemption or part refund of a local law prescribed fee, unless specific provision to the contrary is made in the local law or resolution fixing the fee.

**5.55.7 Request Approved**

Following investigation, the customer will receive written confirmation, advising of the determined outcome and any other relevant information. If necessary, subsequent contact is made with the customer in order to process the [refund/return of monies paid](#) in a timely manner.

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| Version:                      | 2                                      | Section:    | Finance            |
| Reviewed Date:                | 25 August 2020                         | Page No:    | Page 4 of 5        |

**5-65.8 Request Denied**

Following investigation, the customer will receive written confirmation advising them of the determined outcome.

**5-75.9 Dispute of Decision**

If the request denial or the amount of refund/reduction/exemption is disputed, the customer may lodge a complaint. Complaints are managed in accordance with the Complaints Management Policy.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

**7 Document Management**

|                        |                                |
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| Business Owner         | Deputy Chief Executive Officer |
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**REFUND, EXEMPTION AND  
REDUCTION OF FEES AND CHARGES  
POLICY REVIEW**

**Final Draft Refund, Exemption and  
Reduction of Fees and Charges Policy  
- Clean**

**Meeting Date: 10 September 2024**

**Attachment No: 2**



## REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to the refunds, exemption or reduction of Rockhampton Regional Council fees and charges. This policy does not apply to requests received relating to levied rates and charges or the refund of deposits.

#### 2 Purpose

The purpose of this policy is to ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council's fees and charges.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

Complaints Management Policy

Delegations Register – Local Law No. 1 (Administration) 2011

Fees and Charges Schedule

Financial Delegations Policy

Payment Exception Authority Procedure

Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy

#### 4 Definitions

To assist in interpretation, the following definitions apply:

|                   |  |
|-------------------|--|
| CEO               | Chief Executive Officer<br>A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position. |
| Council           | Rockhampton Regional Council   |
| Delegated Officer | Employee appointed to a position with a delegation under section 35(3) of <i>Local Law No. 1 (Administration) 2011</i> .   |

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|                      |   |
|----------------------|---|
| Employee             | Local government employee:<br>(a) The CEO; or<br>(b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .  |
| Exemption            | Includes waiving.   |
| Fees and Charges     | Council fees and charges contained within the schedules adopted annually in accordance with <i>Local Government Regulation 2012</i> . Other fees and charges which are set from time to time are also included in this definition for example Council-run events or activities.                                     |
| Financial Delegation | A formal delegation (consisting of a financial band and a contractual delegation) allowing an employee to authorise/approve the expenditure or reimbursement of money within their approved budget and delegation limit. This delegation allows an employee with responsibility for a budget to manage that budget. |
| Manager              | An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.  |
| Prescribed Fee       | A cost recovery fee fixed by the local government, by local law or by resolution under the <i>Local Government Act 2009</i> and listed in the Fees and Charges Schedule with a Council Local Law, including subordinates, as the legislative authority.   |
| Refund               | Includes remit of funds or repayment of a sum of money.   |

## 5 Policy Statement

Council's fees and charges are fixed by Council in accordance with the *Local Government Regulation 2012* and are usually not refunded, reduced or waived.

Council may however consider refunding, exempting or reducing fees and charges in a consistent manner on a case-by-case basis, subject to certain conditions being met. Fees and charges are only considered for a refund within two years of the payment being made and are only returned to the person or entity who paid the fee or charge.

Any fees and charges associated with the use of Council facilities for local government election purposes are exempt at all times.

### 5.1 Refund/Exemption/Reduction Due to Error

#### 5.1.1 Applied by Council

If a fee or charge has been incorrectly applied by Council or invalidated by administrative or legislative change, actions will be taken to rectify the error as soon as possible. Where necessary, the customer is contacted to advise the appropriate actions to be taken and to arrange for a refund to be processed if applicable.

#### 5.1.2 Incorrectly Paid by Customer

Where a customer has incorrectly paid or overpaid a fee or charge, actions are taken to refund the customer within a reasonable timeframe. Council requires evidence of the incorrect payment or overpayment of the fee or charge prior to issuing the refund.

### 5.2 Customer Request for Refund/Exemption/Reduction of a Valid Charge

Customer requests for refunds, exemptions and or reductions of a valid charge are only considered following receipt of a customer's formal request in writing along with mandatory and supporting documentation.

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Council does not refund:

- (a) Public and environmental health licence fees for the sale of a business or surrender of a licence;
- (b) Temporary entertainment events and regulated activities as defined in the Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy (for example, festival/public place activity/wedding ceremony attended by more than 50 people) application and assessment fees for approvals; and
- (c) Temporary entertainment event on private land application and renewal fees for local community groups.
- (d) Dog registration – for relocated dogs outside the Region (the owner may be eligible for reciprocal registration in their new local government area).

Requests must be lodged in accordance with the following timeframes:

- (a) Dog registration – up to and including 28 February within the current registration period;
- (b) Licence application fee – within 10 working days of the application being withdrawn; and
- (c) For all other requests – within 10 working days of payment, or where sufficient evidence is provided to confirm that the request has been submitted as soon as reasonably practical.

**5.2.1 Acknowledgement of Refund/Exemption/Reduction**

Upon receipt of a formal written request, Council will acknowledge the request in writing within 10 working days and advise of subsequent actions to be taken if required.

**5.3 Refund Outlined in the Fees and Charges Schedule**

Where a refund is outlined in the Fees and Charges Schedule actions are taken to refund the customer within a reasonable timeframe and in accordance with any additional conditions within the Fees and Charges Schedule.

**5.4 Refund Outlined in Terms and Conditions**

Where a refund is outlined in Terms and Conditions actions are taken to refund the customer in accordance with the Terms and Conditions.

**5.5 Considerations for Refund/Exemption/Reduction**

Requests are reviewed taking into account the following considerations:

- (a) A possible administration error has resulted in an incorrect fee or charge;
- (b) The fee has been overpaid by the customer;
- (c) Situation has changed where the fee or charge is no longer relevant;
- (d) The fee has been paid for Council to perform a specific action and the action has not been performed;
- (e) Additional conditions within any related policy and procedure; and
- (f) If Council has already incurred any direct or indirect costs.

Further considerations relevant to the specific request may also apply in addition to those detailed above.

**5.6 Approval Levels**

The Chief Financial Officer must be promptly notified after any refund, exemption or reduction greater than \$5,000 has been approved.

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**5.6.1 Refund/Exemption/Reduction Due to Error**

Refunds/exemptions/reductions under paragraph 5.1 up to the amount of \$5,000 must be approved by an employee in a position with relevant financial delegation. Amounts greater than \$5,000 must be approved by the relevant general manager or executive manager, Chief Financial Officer, Deputy Chief Executive Officer or CEO. If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

**5.6.2 Refund/Exemption/Reduction Other Than Due to an Error**

Other refunds, exemptions and reductions outside paragraph 5.1 (other than due to an error), paragraph 5.3 (outlined in the Fees and Charges Schedule) and paragraph 5.4 (outlined in Terms and Conditions) up to the amount of \$1,000 must be approved by the relevant general manager or executive manager, Deputy Chief Executive Officer or the CEO, and amounts between \$1,000 and \$5,000 must be approved by the CEO, with amounts greater than \$5,000 to be referred to Council. The CEO must be promptly notified after a refund, exemption or reduction under this paragraph has been made. The CEO must provide a report of these refunds, exemptions or reductions of fees to be presented to Council at the next available meeting.

If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

A register of all refunds, exemptions and reduction of fees and charges is kept in accordance with Council's Recordkeeping Policy and overseen by the Chief Financial Officer, this includes any supporting documentation such as invoices, emails and other correspondence.

**5.6.3 Refunds Outlined in the Fees and Charges Schedule**

Refunds under paragraph 5.3, as outlined in the Fees and Charges Schedule, are approved by an employee with the relevant financial delegation, unless stipulated otherwise in the Fees and Charges Schedule. If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

**5.6.4 Refunds Outlined in Terms and Conditions**

Refunds under paragraph 5.4, as outlined in terms and conditions, are approved by an employee with the relevant financial delegation.

**5.6.5 Refund/Exemption of Prescribed Fees**

Refunds and exemptions of prescribed fees must be approved by a delegated officer within the following limitation:

- (a) Delegated officers who are a manager are only able to approve a refund, exemption or reduction due to an error as detailed in paragraph 5.1.

Council approval is required for any requests, received more than two financial years after a payment, for an exemption or part refund of a local law prescribed fee, unless specific provision to the contrary is made in the local law or resolution fixing the fee.

**5.7 Request Approved**

Following investigation, the customer will receive written confirmation, advising of the determined outcome and any other relevant information. If necessary, subsequent contact is made with the customer in order to process the return of monies paid in a timely manner.

**5.8 Request Denied**

Following investigation, the customer will receive written confirmation advising them of the determined outcome.

**5.9 Dispute of Decision**

If the request denial or the amount of refund/reduction/exemption is disputed, the customer may lodge a complaint. Complaints are managed in accordance with the Complaints Management Policy.

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**6 Review Timelines**

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

**7 Document Management**

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## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION - COUNCILLOR GRANT MATHERS - PLACE OF LAST RESORT

|                             |   |
|-----------------------------|---|
| <b>File No:</b>             | <b>10072</b>  |
| <b>Attachments:</b>         | <b>1. Notice of Motion - Councillor Grant Mathers - Place of Last Resort</b> <a href="#">↓</a>  |
| <b>Responsible Officer:</b> | <b>Nicole Semfel - Executive Assistant to the Mayor<br/>Justin Kann - Manager Office of the Mayor<br/>Evan Pardon - Chief Executive Officer</b> |

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#### SUMMARY

*Councillor Grant Mathers has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 10 September 2024 regarding a place of last resort for the homeless members of our community.*

#### COUNCILLOR'S RECOMMENDATION

THAT the Chief Executive Officer prepare detailed information, including potential locations, to inform Council's direction on providing a place of last resort for the homeless members of our community. It is requested that this information be presented to a briefing session in September.

#### BACKGROUND

With the increasing cost of living combined with the current housing shortage, many communities are experiencing a rapid increase in the number of people who are homeless. Our region is not immune, with multiple areas popping up around the city where people are sleeping rough in cars, vans, tents, park benches, toilets, and footpaths.

I propose Rockhampton Regional Council investigate whether it can allocate a small section of land to be used as a "place of last resort" for people who are sleeping rough within our community.

**NOTICE OF MOTION  
COUNCILLOR GRANT MATHERS  
PLACE OF LAST RESORT**

**Notice of Motion**

**Meeting Date: 10 September 2024**

**Attachment No: 1**



**Councillor Grant Mathers**  
Division 3  
Planning and Regulation Portfolio  
[grant.mathers@rc.qld.gov.au](mailto:grant.mathers@rc.qld.gov.au)  
0439 827 489

04 September 2024

The Chief Executive Officer  
Rockhampton Regional Council  
PO Box 1860  
ROCKHAMPTON QLD 4700

Dear Evan

I hereby give notice that I intend to move the following motion at the next Ordinary Council Meeting scheduled for Tuesday 10 September 2024 regarding a Place of Last Resort.

“THAT CEO prepare detailed information, including potential locations to inform Councils direction on providing a place of last resort for the homeless members of our community. It is requested that this information be presented to a briefing session in September.”

Background:

With the increasing cost of living combined with the current housing shortage many communities are experiencing a rapid increase in the number of people who are homeless. Our region is not immune, with multiple areas popping up around the city where people are sleeping rough in cars, vans, tents, park benches, toilets, and footpaths. I propose Rockhampton Regional Council investigate whether it can allocate a small section of land to be used as a “Place of Last Resort” for people who are sleeping rough within our community.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Grant Mathers".

Cr Grant Mathers  
Division 3 Councillor  
Rockhampton Regional Council



### 13 QUESTIONS ON NOTICE

Nil

### 14 URGENT BUSINESS/QUESTIONS

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.*

### 15 CLOSED SESSION

#### RECOMMENDATION

THAT Council move into Closed Session pursuant to section 254J(1) of the *Local Government Regulation 2012* and the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

#### 16.1 Update on Rectification Charges to BEEF Australia Following the BEEF 2024 Event

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

#### 16.2 Rockhampton Agricultural Show

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

## 16 CONFIDENTIAL REPORTS

### 16.1 UPDATE ON RECTIFICATION CHARGES TO BEEF AUSTRALIA FOLLOWING THE BEEF 2024 EVENT

**File No:** 10486

**Attachments:** Nil

**Authorising Officer:** John Webb - Manager Communities and Culture  
Alicia Cutler - General Manager Community Services

**Author:** Mark Millett - Coordinator Major Venues

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

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#### SUMMARY

*Report details additional costs incurred for the BEEF 2024 event and the proposed recovery thereof.*

**16.2 ROCKHAMPTON AGRICULTURAL SHOW****File No:** 11715**Attachments:** 1. Event Briefing on the Rocky Show**Authorising Officer:** Angus Russell - Executive Manager Advance  
Rockhampton**Author:** Zac Garven - Tourism and Events Manager  
Eileen Brown - Events Coordinator

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

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**SUMMARY**

*This report discusses the Rockhampton Agricultural Show.*

**17 CLOSURE OF MEETING**